

Senate File 442

S-3072

1 Amend Senate File 442 as follows:

2 1. Page 1, by striking lines 23 through 27 and inserting:

3 <a. Proceed past a red or stop signal or stop sign, but only
4 ~~after slowing down as may be~~ at a speed deemed necessary for
5 safe operation by the driver based on information known to the
6 driver at the time.>

7 2. By striking page 3, line 28, through page 5, line 8, and
8 inserting:

9 <1. The following shall not be liable for any injury or loss
10 arising from the operation of an authorized emergency vehicle
11 in response to an emergency call or to an incident dangerous to
12 the public unless the driver operates the authorized emergency
13 vehicle with reckless disregard for the safety of persons or
14 property:

15 a. A fire fighter operating the authorized emergency
16 vehicle who is certified by the fire service training bureau,
17 as described in section 100B.6, as a fire apparatus driver or
18 operator and who has completed an emergency vehicle operations
19 course and any applicable continuing education requirements
20 established or approved by the fire service training bureau.

21 b. An emergency medical care provider, as defined in
22 section 147A.1, operating the authorized emergency vehicle who
23 has completed an emergency vehicle operations course and any
24 applicable continuing education requirements established or
25 approved by the department of public health.

26 c. A peace officer, as defined in section 801.4, or a
27 reserve peace officer, as defined in section 80D.1A, operating
28 the authorized emergency vehicle who has completed an emergency
29 vehicle operations course and any applicable continuing
30 education requirements established or approved by the Iowa law
31 enforcement academy.

32 d. Any entity on whose behalf the fire fighter, emergency
33 medical care provider, peace officer, or reserve peace officer
34 is operating the authorized emergency vehicle.

35 2. The protections from liability set forth in subsection

1 1 apply only when, in response to an emergency call or to an
2 incident dangerous to the public, the driver operating the
3 authorized emergency vehicle is utilizing a siren meeting the
4 requirements of section 321.433 or flashing blue and red lights
5 authorized under this chapter. The protections from liability
6 provided by subsection 1 apply in addition to any other defense
7 to liability provided by law.

8 3. a. The driver of an authorized emergency vehicle,
9 and any entity on whose behalf the driver is operating the
10 authorized emergency vehicle, shall not be liable for any
11 injury or loss arising from the operation of the authorized
12 emergency vehicle unless reckless disregard for the safety of
13 persons or property is proven by clear and convincing evidence.

14 b. If a person brings a tort claim against the driver of
15 an authorized emergency vehicle, a municipality, as defined in
16 section 670.1, this state, or any other entity on whose behalf
17 the driver is operating the authorized emergency vehicle, for
18 any injury or loss arising from the operation of the authorized
19 emergency vehicle, the court shall determine, on motion by any
20 party or on its own motion, whether the person has presented
21 sufficient, admissible evidence to support a prima facie
22 finding of reckless disregard for the safety of persons or
23 property, before the matter proceeds to trial.>

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